IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27544 of 2005

Between:

Chereddy Pedda Subba Reddy @ Subba Reddy

..... PETITIONER

AND

The Government of A.P.,

Rep by its Secretary- (Irrigation Department),

Secretariat, Saifabad, Hyderabad and 3 others

.....RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

-

Seeking a Mandamus, declaring the action of the respondents in evicting the

petitioner from his lands by digging a channel in Survey No.657/2A3 Pyki, an extent of Ac.2.50 cents and Ac.2.11 cents of Sangampatnam village, Owk Mandal, Kurnool District, without following the due process of law, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

The petitioner submits that he is the owner of the lands to an extent of Ac.4.61 cents situated in Survey No.657/2A3 Pyki, at Sangapatnam village, Owk Mandal of Kurnool District. While so, the 2nd respondent is taking steps to dig a channel about 130 feet for Galeru-Nagari Sujala Sravanthi Canal through the lands of the petitioner without acquiring the said lands and without paying any compensation. If the lands of the petitioner are required for any public purpose, the respondents have to follow the due procedure prescribed in law. Without following the due procedure under Land Acquisition Act or by making private negotiations, the respondents cannot acquire the lands of the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioner from the lands in question except by following due procedure prescribed in law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 27.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr